

**In the Specification**

A marked up substitute specification has been attached here to show changes that cancel most additions made in response to the last office action to meet the Examiner's new matter objections. While the applicant does not agree that any of the additions were new matter, in the interest of advancing this case to issuance, most of the additions have been cancelled. The additions that have not been cancelled have been specifically defended by pointing the specific parts of the original specification and drawings that render the addition not new matter. The markup enclosed herewith is a markup of the marked up substitute specification previously submitted in response to the last office action so as to show exactly which additions have been cancelled. Some new text has been added to conform the description of the process of forming the floating gate to the definition of self aligned given by the Board of Appeals in their opinion on the prior appeal in this case. All new text is in boldface type on the enclosed markup. Also enclosed is a clean copy of the specification as amended herein.